

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

September 29, 2005

TO INVOLVED COUNSEL

Re: MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

(See Attached Schedule CTO-1)

Dear Counsel:

Attached hereto is a copy of a conditional transfer order filed today by the Panel involving the above-captioned matter. This matter is transferred pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001). Copies of Rule 5.2, dealing with service, and Rules 7.4 and 7.5, regarding "tag-along" actions, are attached for your convenience.

Inasmuch as there is an unavoidable time lag between notification of the pendency of the tag-along action and the filing of a conditional transfer order, counsel are required by Rule 7.4(b) to notify this office **BY FACSIMILE**, at (202) 502-2888, of any official changes in the status of the tag-along action. These changes could involve dismissal of the action, remand to state court, transfer to another federal court, etc., as indicated by an order filed by the district court. Your cooperation would be appreciated.

NOTICE OF OPPOSITION DUE ON OR BEFORE: October 14, 2005 (4 p.m. EST)
(Facsimile transmission is suggested.)

If you are considering opposing this conditional transfer order, please review Rules 7.4 and 7.5 of the Panel Rules before filing your Notice of Opposition.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By *Darwin L. Stewart*
Deputy Clerk

Attachments

JPML Form 39

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SEP 29 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1699

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE BEXTRA AND CELEBREX MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

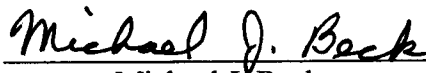
On September 6, 2005, the Panel transferred 30 civil actions to the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, one additional action has been transferred to the Northern District of California. With the consent of that court, all such actions have been assigned to the Honorable Charles R. Breyer.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Northern District of California and assigned to Judge Breyer.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of California for the reasons stated in the order of September 6, 2005, ___ F. Supp. 2d ___ (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Charles R. Breyer.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of California. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-1 - TAG-ALONG ACTIONS
DOCKET NO. 1699
IN RE BEXTRA AND CELEBREX MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

DIST. DIV. C.A. #**CASE CAPTION****ALABAMA MIDDLE**

ALM 1 05-500
ALM 2 05-475
ALM 2 05-476
ALM 2 05-593
ALM 2 05-594

Robert Webb v. G.D. Searle, LLC, et al.
Frank Klinger v. G.D. Searle, LLC, et al.
Clarice Hare v. G.D. Searle, LLC, et al.
Barbara Clem v. G.D. Searle, LLC, et al.
Phyllis McCord v. G.D. Searle, LLC, et al.

ALABAMA NORTHERN

ALN 2 05-896
ALN 2 05-1670
ALN 2 05-1799
ALN 7 05-1125

Earl Darby, Jr. v. Merck & Co., Inc., et al.
Gloria Mauldin v. Pfizer, Inc.
Mary Nell McCloud v. G.D. Searle, LLC, et al.
Stan Downey, et al. v. Merck & Co., Inc., et al.

ALABAMA SOUTHERN

ALS 1 05-360
ALS 1 05-361
ALS 1 05-388
ALS 1 05-397
ALS 1 05-399
ALS 1 05-454
ALS 2 05-368

Cliff Norwood v. G.D. Searle, LLC, et al.
James Alan Bell v. G.D. Searle, LLC, et al.
James Rogers Fanning v. G.D. Searle, LLC, et al.
John Scarcliff v. G.D. Searle, LLC, et al.
Larry W. Broadus v. G.D. Searle, LLC, et al.
Albert Pearson v. G.D. Searle, LLC, et al.
Wilmer Merriweather v. G.D. Searle, LLC, et al.

CALIFORNIA CENTRAL

CAC 2 05-3851
CAC 2 05-6130
CAC 5 05-283

Robert Schwartz v. G.D. Searle, LLC, et al.
William Acosta, et al. v. Pfizer, Inc., et al.
Lillie Baker v. Pfizer, Inc.

CALIFORNIA SOUTHERN

CAS 3 05-1193

William Armbruster, et al. v. Merck & Co., Inc., et al.

COLORADO

CO. 1 05-1266

Jannett Graham v. Pfizer, Inc.

CONNECTICUT

CT 3 05-1104

Thomas Durica, et al. v. Pfizer, Inc.

FLORIDA MIDDLE

FLM 3 05-695
FLM 6 05-1174
FLM 8 05-963

Mary Ellen Mule v. Pfizer, Inc.
Tracy Ring v. G.D. Searle, LLC, et al.
Harley W. Horne v. Pfizer Inc.

FLORIDA SOUTHERN

FLS 1 05-21241

Clara Fontanilles v. Pfizer, Inc.

IOWA NORTHERN

IAN 2 05-1032

Jo Anne Pierce v. G.D. Searle, LLC, et al.